IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7810 of 2007()

CRIME NO.1/05 OF THIRUVANANTHAPURAM EXCISE RANGE

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: PETITIONER/4TH ACCUSED:

MUHAMMED ALI, S/O. AHAMMED KHAN,
HOUSE NO.10/429C), OLD MOSQUE ROAD,
EAST THIRUVITHAMCODE, KANYAKUMARI DISTRICT,
TAMIL NADU.

BY ADV. SRI.D.KISHORE

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE CIRCLE INSPECTOR,
THIRUVANANTHAPURAM EXCISE RANGE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7810 of 2007

Dated this the 19th day of December, 2007

ORDER

Application for anticipatory bail. Petitioner wanted to raise a contention that the offence alleged is bailable and unnecessarily it is reckoned as non bailable. But in the course of arguments, the learned counsel for the petitioner fairly concedes that in the light of the decision of a Division Bench of this Court in B.A.No.1787 of 2003 dated 18.11.03, the offence may be reckoned as non bailable and the petitioner is now willing to surrender before the learned Magistrate and seek regular bail.

2. This bail application is accordingly dismissed as agreed without any fetter on the rights of the petitioner to surrender before the learned Magistrate and seek regular bail. Needless to say that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-